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REMARKS

Claims 5, 7, 9, 10, and 12-25 are pending in this application.

The Office action rejects claims 5, 7, 9, 10, 12-22, and 24-25 under 35 U.S.C. 103(a) over Lee et al. (USP 6,775,368, hereinafter Lee), Dancs et al. (USP 6,385,651, hereinafter Dancs), and Burkey et al. (USP 6,446,076, hereinafter Burkey). The applicant respectfully traverses this rejection.

Claim 5, upon which claims 18-20 depend, claims an appliance that includes a controller that receives a device identifier from a communications device, and transmits data corresponding to the device identifier to a relay server, receives a profile address from the relay server, and receives profile data from a profile server, based on the profile address.

Claim 9, upon which claims 10, 12-13, and 21-25 depend, claims a method that includes receiving, at an appliance, access data from memory of a remote device, receiving relay data from a network server identified in the access data, and receiving profile data via a network access based on the relay data, and configuring the appliance based on the configuration data.

Claim 14, upon which claims 15-17 depend, claims a method that includes receiving an address of a relay server from a remote device, transmitting a first request to the relay server, receiving an address of a profile server from the relay server based on the first request, transmitting a second request to the profile server, receiving a profile from the profile server based on the second request, and controlling the appliance in dependence upon the profile.

An example of the claimed flow of addresses and requests is illustrated below:
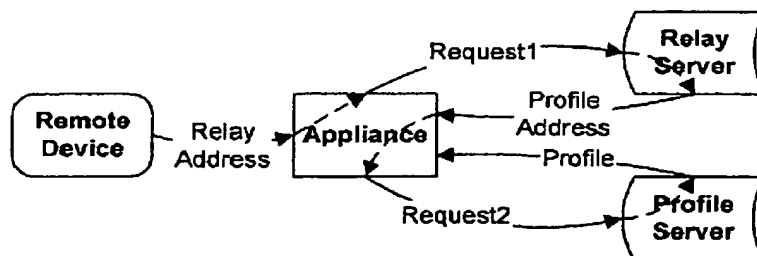
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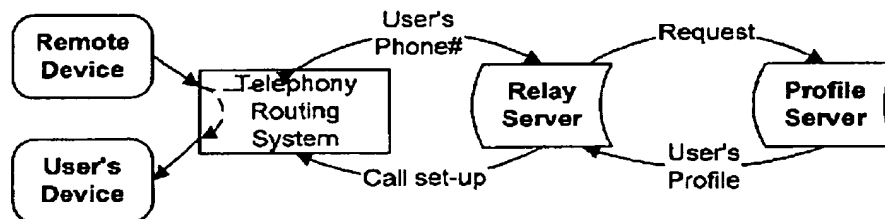Amendment and/or Response
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The Examiner's attention is requested to MPEP 2142, wherein it is stated:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) *must teach or suggest all the claim limitations...* If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Neither Lee, Danos, nor Burkey, individually or collectively teaches receiving an address of a relay server from a remote device, sending a request to the relay server, receiving an address of a profile server from the relay server, sending a request to the profile server, and receiving a profile from the profile server. Specifically, the prior art does not teach or suggest receiving an address of a profile server from a relay server, and, with regard to claims 9 and 14, the prior art does not teach or suggest controlling an appliance based on profile data received from the profile server.

Lee teaches a method and system that allows a user to store a forwarding address for a mobile user. When a user changes location, the user notifies the system of the forwarding address corresponding to the new location, as well as a profile that contains customized telecommunication services instructions for the user. The Office action references Lee's description of Lee's FIG. 3, at column 5, lines 44-65 for teaching transmitting a first request to a relay server, receiving an address of a profile server from the relay server based on the first request, transmitting a second request to the profile server, and receiving a profile from the profile server based on the second request. The applicant respectfully disagrees with this characterization of Lee.

Lee teaches a conventional client-server-database structure:

In Lee, a caller/remote device initiates a call to a user of Lee's service by dialing the user's telephone-number, which is forwarded to a relay server. The

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relay server sends a request for the user's profile to a profile server
corresponding to the user's telephone-number. The profile server returns the
profile to the relay server, and the relay server uses this information to set up the
communication path between the calling device and the user's device.

The Office action acknowledges that the remote device does not provide
the address of the relay server. The applicant maintains, also, that the relay
server does not provide the address of the profile server to another device, and
thus Lee cannot be said to teach the claimed receiving of the profile address
from the remote server. That is, Lee does not teach the transmission of either the
relay server or the profile server, and thus cannot be said to teach receiving
either address.

Additionally, with regard to claims 5 and 9, an appliance is claimed that
receives each of these addresses, and sends each of the requests. There is no
element in Lee corresponding to this appliance, and the Office action fails to
address this claimed element.

The Office action notes that Dancs teaches the communication of an
address from a remote device. The applicant concurs with this characterization of
Dancs, but respectfully maintains that there is no suggestion in the prior art to
connect Dancs and Lee.

The Examiner's attention is requested to MPEP 2143, wherein it is stated:

"THE PRIOR ART MUST SUGGEST THE DESIRABILITY OF THE
CLAIMED INVENTION ... The teaching or suggestion to make the claimed
combination and the reasonable expectation of success must both be found in the
prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d
1438 (Fed. Cir. 1991). ... The mere fact that references can be combined or
modified does not render the resultant combination obvious unless the prior art
also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16
USPQ2d 1430 (Fed. Cir. 1990)".

The Office action asserts that one of ordinary skill in the art would
combine Dancs and Lee "because this would provide a way to efficiently and
automatically streamline the use, authentication and access of the smart-card to
a particular/desired location or service provider." The applicant respectfully
maintains that this asserted motivation has no bearing on Lee, and that, even

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assuming in argument that one were led to combine Dancs and Lee by this motivation, the combination would not lead to the applicant's invention.

Lee teaches a technique for allowing a user to leave forwarding information at a profile server. Lee's system requires that the relay server be an integral part of the telephony network, because it must intercept the dialing of the user's telephone number and set up the communications to connect to the user's forwarding number, instead of the dialed telephone number. There is no reason to provide the address of this relay server to an external device, and having the address of this relay server at an external device serves no apparent purpose.

Further, even assuming in argument that a remote device was configured to provide the address of the relay server to the telephony routing system, this modification would not lead to the applicant's invention, because it fails to teach or suggest subsequently receiving the address of the profile server from the relay server.

Claims 9 and 14 also specifically claim controlling an appliance based on the downloaded profile data. The Office action relies upon Burkey for this teaching, but the applicant respectfully maintains that Burkey is silent with regard to controlling an appliance, and the Office action fails to identify where Burkey provides such a teaching.

Burkey teaches techniques for "a web-based active knowledge management system." Burkey addresses information flow, including the communication of profile data, but does not teach using such data to control or configure an appliance. The Office action cites Burkey for disclosing "a merchant receiving a profile from the profile database, based on the request for the user". The applicant concurs with this characterization of Burkey, but respectfully notes that a merchant receiving a profile does not correspond to the claimed element of controlling/configuring an appliance based on the profile.

Additionally, the applicant respectfully maintains that there is no suggestion in the prior art to combine Burkey with Lee. Lee teaches a technique

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for re-routing telephony calls based on forwarding instructions provided by a user. Burkey teaches an information distribution system. The Office action asserts that one of ordinary skill in the art would combine these references "for the purpose of accessing user or device profile/configuration data from a server in order to securely provide the appropriate requested data to the client appliance according to information and preferences in its profile" (Office action page 4, lines 3-5). The applicant respectfully maintains that this motivation has no bearing on Lee, because Lee does not address providing information to a client appliance. Further, even given this motivation, a combination of Lee and Burkey would not provide a method of controlling an appliance, as specifically claimed by the applicant.

Because the Office action fails to show where the prior art teaches each of the elements of each of the applicant's independent claims 5, 9, and 14, and because the Office action's asserted motivations for combining Lee and Dancs, and/or Lee and Burkey, would not lead one of skill in the art to the applicant's claimed invention, the applicant respectfully maintains that the rejection of claims 5, 7, 9, 10, 12-22, and 24-25 under 35 U.S.C. 103(a) over Lee, Dancs, and Burkey is unfounded, per MPEP 2143.

The Office action rejects claim 23 under 35 U.S.C. 103(a) over Lee, Dancs, Burkey, and Hanko et al. (USP 6,912,578, hereinafter Hanko). The applicant respectfully traverses this rejection, based on the remarks above regarding claim 9, upon which this claim depends.

In this rejection, the Office action relies upon Lee, Dancs, and Burkey for teaching the elements of claim 9. Because the Office action fails to provide a prima facie case of obviousness in this rejection based on Lee, Dancs, and Burkey, the applicant respectfully maintains that the rejection of claim 23 under 35 U.S.C. 103(a) based on this reliance on Lee, Dancs, and Burkey is unfounded, per MPEP 2143.

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In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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